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*ADMITTED IN NY & NJ

July 22, 2019

BY ECF

Honorable Steven M. Gold
United States Magistrate Judge
225 Cadman Plaza East, Chambers 1217
Brooklyn, NY 11201

*Re: United States v. Garrett O'Rourke,
19-MJ-644 (SMG)*

Dear Judge Gold:

I am counsel to the Defendant, Garrett O'Rourke, in the above-referenced matter.

I write to request that the Court modify my client's bail conditions in two respects, with the consent of the government. The two modifications I seek are: 1) permission for my client to travel to Boston on July 29, 2019 for a business meeting; and 2) permission for my client to close out options positions he has in his TD Ameritrade Account in the following securities, which are listed by their ticker symbols: SPY, BIDU, KHFC, MYL, and X. After closing these positions, my client will leave the funds derived from these transactions in the TD Ameritrade Account, so that they are available to pay restitution or forfeiture in the future, if either of those remedies are imposed. I have discussed these applications with Assistant United States Attorney Hiral Mehta, and he consents to them. The reasons for these applications are as follows.

As the Court is aware, my client was arrested last week and charged with conspiracy to commit securities fraud. When Your Honor set bail on July 18, one of the conditions of my client's release was that he refrain from engaging in any securities transactions. A copy of the Court's Order Setting the Conditions of Mr. O'Rourke's Release is attached as Exhibit A for the Court's convenience.

At the time my client's bail was set, he had open options positions in the securities listed by symbol above, in his TD Ameritrade Account Number 425-886295. If my client is not permitted to close out those positions, significant funds may be lost in his account, and he and the government want to make sure that the maximum amount possible is available to pay restitution and forfeiture in the future, if those remedies are imposed in this case. For that reason, I proposed to AUSA Mehta that my client be

permitted to close out his option positions in these securities, and leave the cash positions that result in his TD Ameritrade Account Number 425-886295. AUSA Mehta has consented to my client closing out these positions for the benefit of everyone, because he recognizes that, if these positions are not closed, there is a risk of a large loss in my client's TD Ameritrade Account.

In addition, my client needs to travel to Boston, Massachusetts on Monday, July 29, 2019 for business reasons. I have discussed this trip with AUSA Mehta, and he is fully aware of the details of the trip and its purpose. AUSA Mehta consents to this travel, even though it is beyond the bail limits imposed on Mr. O'Rourke in the Court's July 18, 2019 Order setting the conditions of Mr. O'Rourke's release. See Exhibit A. Therefore, I respectfully request that the Court modify Mr. O'Rourke's bail conditions to permit him to travel to Boston, Massachusetts for the day on July 29, 2019.

CONCLUSION

For all the forgoing reasons, I respectfully request that the Court enter an order permitting Mr. O'Rourke to close out the options positions described above, and that it permit Mr. O'Rourke to travel to Boston, Massachusetts for one day on July 29, 2019. As noted above, the government consents to these applications.

If the Court is inclined to grant these applications, it may do so by executing this letter at the "So Ordered" signature line below.

Respectfully submitted,



Roland G. Riopelle

Cc: Hiral Mehta, Esq. (By ECF)

The Defendant, Garrett O'Rourke, having made an application to be permitted to close out his options positions in the stocks bearing symbols SPY, BIDU, KHFC, MYL and X in his TD Ameritrade Account, Number 425-886295, and good cause appearing to grant this application, and the government having consented to this application, and

The Defendant having also made an application to travel to Boston, Massachusetts on July 29, 2019, and good cause appearing to grant that application, and the government having consented to that application,

IT IS ORDERED, that the Defendant, Garrett O'Rourke, is hereby permitted to close out his options positions in the stocks bearing symbols SPY, BIDU, KHFC, MYL and X in his TD Ameritrade Account, Number 425-886295, and

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IT IS FURTHER ORDERED, that the Defendant, Garrett O'Rourke, is permitted to travel to Boston, Massachusetts on July 29, 2019.

IT IS SO ORDERED:

HON. STEVEN M. GOLD
U. S. M. J.

EXHIBIT A

